



PRELIMINARY DRAFT
No. 3237

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 31-14-11-18; IC 31-16-6-6.

Synopsis: Duty to support. Provides that the duty to support a child, which does not include support for educational needs, ceases when the child becomes 19 years of age. (Current law provides that the duty to support a child ceases when the child becomes 21 years of age.)

Effective: July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-14-11-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The duty to support a child under this article (or IC 31-6-6.1 before its repeal), **which does not include support for educational needs**, ceases when the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age unless either of the following conditions occurs:

(1) The child is emancipated before the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age. If this occurs, the child support, except for educational needs, terminates at the time of emancipation. However, an order for educational needs may continue in effect until further order of the court.

(2) The child is incapacitated. If this occurs, the child support continues during the incapacity or until further order of the court.

SECTION 2. IC 31-16-6-6, AS AMENDED BY P.L.80-2010, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The duty to support a child under this chapter, **which does not include support for educational needs**, ceases when the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age unless any of the following conditions occurs:

(1) The child is emancipated before becoming ~~twenty-one (21)~~ **nineteen (19)** years of age. In this case the child support, except for the educational needs outlined in section 2(a)(1) of this chapter, terminates at the time of emancipation, although an order for educational needs may continue in effect until further order of the court.

(2) The child is incapacitated. In this case the child support continues during the incapacity or until further order of the court.

(3) The child:

(A) is at least eighteen (18) years of age;

(B) has not attended a secondary school or postsecondary educational institution for the prior four (4) months and is not



1 enrolled in a secondary school or postsecondary educational
2 institution; and

3 (C) is or is capable of supporting himself or herself through
4 employment.

5 In this case the child support terminates upon the court's finding
6 that the conditions prescribed in this subdivision exist. However,
7 if the court finds that the conditions set forth in clauses (A)
8 through (C) are met but that the child is only partially supporting
9 or is capable of only partially supporting himself or herself, the
10 court may order that support be modified instead of terminated.

11 (b) For purposes of determining if a child is emancipated under
12 subsection (a)(1), if the court finds that the child:

13 (1) is on active duty in the United States armed services;

14 (2) has married; or

15 (3) is not under the care or control of:

16 (A) either parent; or

17 (B) an individual or agency approved by the court;

18 the court shall find the child emancipated and terminate the child
19 support.

